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**Michigan Civil Rights Commission Brief Opposing Rehearing of Proposal 2
is granted Amicus status by the Court**

Detroit—Today, the Michigan Civil Rights Commission reacted to news that the US Sixth Circuit granted its request to file an Amicus Curiae brief opposing the effort to get the court to reconsider its recent decision finding Proposal 2 unconstitutional.

On July 1, the Sixth Circuit Court struck down Proposal 2's ban on the consideration of race and gender in college admissions. The Commission's brief argues the court correctly concluded Proposal 2 violates the Equal Protection Clause of the U.S. Constitution because it creates two separate, but unequal, processes for amending university admissions policies. Most policies can be changed by the same process that has always applied. However, if minority interests are involved, Proposal 2 requires a different process -- one so onerous that the Court previously noted, the Proposal's own supporters had to employ "fraud and deception" to meet it.

"We are pleased the Court recognized that the Commission's brief represents the interests of persons who are affected by Proposal 2, but are not parties to the litigation," stated Matthew Wesaw, Chair, Michigan Civil Rights Commission. Commissioner Wesaw noted that "the Commission wants to ensure the court does not focus solely on the interests of *applicants*, but that it also recognizes the primary responsibility of a school must be to the interests of the *students* who are admitted and its own commitment to academic excellence. At a time when the best students want to go to diverse schools, when a school's reputation is based on diversity, and when employers increasingly express their need to hire graduates who attended diverse schools, Proposal 2 takes away the schools' ability to provide that very diversity."

In its brief, the Civil Rights Commission asserts that, "Diversity is a compelling state interest recognized by the US Supreme Court and firmly rooted in both the history and intent of equal protection law. The creation of a separate, unequal and unattainable procedure subjecting only admissions criteria effecting minorities to a majority public vote is an anathema to these ideals."

The Michigan Civil Rights Commission is an independent body created by the Michigan Constitution of 1963 for the purpose of 'protecting persons from discrimination by government and private actors and ensuring fair and equal access to employment, education and economic opportunities. To learn more about the Michigan Civil Rights Commission, please visit www.michigan.gov/mdcr.